

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 533 be amended to read as follows:

- 1 Page 1, line 4, delete "IC 13-18-10,".
- 2 Page 1, line 5, after "IC 13-18-19" delete ",,".
- 3 Page 1, between lines 6 and 7, begin a new paragraph and insert:
- 4 "SECTION 2. IC 13-11-2-40 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. "Confined
- 6 feeding operation", for purposes of IC 13-18-10 **and IC 13-30**, means:
- 7 (1) any confined feeding of:
- 8 (A) at least three hundred (300) cattle;
- 9 (B) at least six hundred (600) swine or sheep; and
- 10 (C) at least thirty thousand (30,000) fowl;
- 11 (2) any animal feeding operation electing to be subject to
- 12 IC 13-18-10; or
- 13 (3) any animal feeding operation that is causing a violation of:
- 14 (A) water pollution control laws;
- 15 (B) any rules of the water pollution control board; or
- 16 (C) IC 13-18-10.
- 17 A determination by the department under this subdivision is appealable
- 18 under IC 4-21.5.
- 19 SECTION 3. IC 13-11-2-164 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 164. (a) "Political
- 21 subdivision", for purposes of IC 13-18-13, means:
- 22 (1) a political subdivision (as defined in IC 36-1-2);
- 23 (2) a regional water, sewage, or solid waste district organized
- 24 under:

- 1 (A) IC 13-26; or
- 2 (B) IC 13-3-2 (before its repeal July 1, 1996); or
- 3 (3) a local public improvement bond bank organized under
- 4 IC 5-1.4.
- 5 (b) "Political subdivision", for purposes of IC 13-18-21, means:
- 6 (1) a political subdivision (as defined in IC 36-1-2);
- 7 (2) a regional water, sewage, or solid waste district organized
- 8 under:
- 9 (A) IC 13-26; or
- 10 (B) IC 13-3-2 (before its repeal July 1, 1996);
- 11 (3) a local public improvement bond bank organized under
- 12 IC 5-1.4;
- 13 (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public
- 14 water utility described in IC 8-1-2-125; or
- 15 (5) a conservancy district established for the purpose set forth in
- 16 IC 14-33-1-1(a)(4).
- 17 (c) "Political subdivision", for purposes of IC 13-19-5 **and**
- 18 **IC 13-30**, has the meaning set forth in IC 36-1-2-13 and includes a
- 19 redevelopment district under IC 36-7-14 or IC 36-7-15.1."
- 20 Page 3, between lines 26 and 27, begin a new paragraph and insert:
- 21 "SECTION 7. IC 13-30-4-1 IS AMENDED TO READ AS
- 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Subject to
- 23 IC 13-14-6 and except as provided in **subsection (c)**, IC 13-23-14-2,
- 24 and IC 13-23-14-3, a person who violates:
- 25 (1) any provision of:
- 26 (A) environmental management laws;
- 27 (B) air pollution control laws;
- 28 (C) water pollution control laws;
- 29 (D) IC 13-18-14-1; or
- 30 (E) a rule or standard adopted by one (1) of the boards; or
- 31 (2) any determination, permit, or order made or issued by the
- 32 commissioner under:
- 33 (A) environmental management laws or IC 13-7 (before its
- 34 repeal);
- 35 (B) air pollution control laws or IC 13-1-1 (before its repeal);
- 36 or
- 37 (C) water pollution control laws or IC 13-1-3 (before its
- 38 repeal);
- 39 is liable for a civil penalty not to exceed twenty-five thousand dollars
- 40 (\$25,000) per day of any violation.
- 41 (b) The department may:
- 42 (1) recover the civil penalty described in subsection (a) in a civil
- 43 action commenced in any court with jurisdiction; and
- 44 (2) request in the action that the person be enjoined from
- 45 continuing the violation.
- 46 (c) **With respect to a violation under subsection (a) by a**

1 **confined feeding operation of water pollution control laws or a rule**
 2 **or standard adopted by the water pollution control board relating**
 3 **to water pollution control laws, the person who commits the**
 4 **violation is liable for and the department shall impose:**

5 **(1) a civil penalty of fifty thousand dollars (\$50,000) per day**
 6 **for a violation that represents three (3) or more violations in**
 7 **the five (5) year period that ends on the date the violation**
 8 **begins; and**

9 **(2) a civil penalty of one hundred thousand dollars (\$100,000)**
 10 **per day for a violation that represents five (5) or more**
 11 **violations in the ten (10) year period that ends on the date the**
 12 **violation begins.**

13 **(d) The department shall distribute revenue that results from**
 14 **the amount of penalties under subsection (c) that exceeds**
 15 **twenty-five thousand dollars (\$25,000) per day as follows:**

16 **(1) Seventy-five percent (75%) to the clean water Indiana**
 17 **fund established under IC 14-32-8.**

18 **(2) Fifteen percent (15%) to the soil and water conservation**
 19 **district in which the confined feeding operation is located.**

20 **(3) Ten percent (10%) to the political subdivisions in which**
 21 **the confined feeding operation is located (other than the**
 22 **district referred to in subdivision (2)), in proportion to the**
 23 **most recently collected property tax levies of those political**
 24 **subdivisions."**

25 Renumber all SECTIONS consecutively.

(Reference is to ESB 533 as printed March 28, 2003.)

Representative Brown T